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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,028	07/08/2003	Clement Meyer	0514-1050-1	6683

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EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/614,028	Applicant(s) MEYER ET AL.	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/08/03</u> . | 6) <input type="checkbox"/> Other: ____  |



### **DETAILED ACTION**

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13 and 14 have been renumbered 11 and 12.

#### ***Information Disclosure Statement***

The information disclosure statement filed July 8, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. A copy of document United Kingdom Patent # 1406817 was not received. The document was lined out on the PTO 1449 and has not been considered by the examiner.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The deflection cylinders (Claims 6, 7, 11, and 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)),

and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).  
"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(f) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A  
"Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Objections***

Claim 12 is objected to because of the following informalities: the claim is dependent upon itself. Appropriate correction is required. In this action the claim has been treated as if it is dependent on Claim 9.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-6 and 8-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is rendered indefinite by the recitation of the phrases "again" and "just after" in lines 5 and 7, respectively. The claim fails to define a clear distinct range of time during which the relaxation of tension takes place. Further, the claim fails to limit

Art Unit: 3654

the parent claim, Claim 1, because it appears the relaxation of tension could occur at any time.

Claims 2 and 4 are rendered indefinite because it is unclear what point in the doffing process defines the "disengagement of the full package".

Regarding claims 3 and 9, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 3 recites the limitations "the reverse direction" and "the opposite direction" in lines 3-4 and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitations "the assembly" and "the drive motors" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitations "the different deflection cylinders," "the pre-supply," and "the direction" in lines 3, 4, and 4, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 is rendered indefinite, because it is unclear what is meant by the limitation "is carried out upstream".

Claim 9 recites the limitations "the reverse direction" and "the opposite direction" in lines 3-4 and 4-5, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitations "the assembly," "the drive motors," and "the pre-supply" in lines 4, 5, and 6, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitations "the different controls" and "the different deflection cylinders" in lines 2 and 3-4, respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the different controls" and "the different deflection cylinders" in lines 2 and 3-4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe et al. in view of Tanae et al. Regarding Claim 1, Watabe discloses a process of providing a relaxation of tension continuously to a winding station with means 8 for holding and disengaging a full package, a package guide 11, a bar 7, and package drive 8 with heads (shown but not numbered) for holding a spool 10 (Figure 1). Watabe et al. is silent about the automatic doff and don of packages with a device for supplying spools. However, Tanae et al. discloses a device 53 for supplying a winding station with spools and the automatic doff and don of full packages and empty

Art Unit: 3654

packages (Figure 1). It would have been obvious to add the automatic doffing and donning as taught by Tanae et al. to the winding station of Watabe et al. to reduce labor costs. Regarding Claim 2, Watabe discloses the tension relaxation is continuous and can be adjusted at any time. Regarding Claims 4, 5, and 10 Watabe discloses the tension relaxation occurs upstream of the winding station. Further, the tension relaxation is continuous, occurs when the assembly of drive motors for winding, the winding guide, and the pre-supply stopped. Regarding Claims 6 and 7, the relaxation of Watabe et al. is carried out by different deflection cylinders 6 forming the pre-supply in the direction of shortening the path of the yarn during stopping and being moveable outside a rectilinear path (Figure 1).

Claims 3, 8-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watabe et al. in view of Tanae et al. as applied to claims 1 and 2 above, and further in view of D'Agnolo. Regarding Claims 3 and 8-9, Watabe et al. in view of Tanae et al. fails to disclose the relaxation of tension of the supply yarn by driving the package in the reverse direction of its winding rotation. However, D'Agnolo discloses package drive 7 driven in the reverse direction of its winding rotation by a mechanical, electrical, or electronic reverser for a short period of time (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the reverser driving the package drive in the opposite direction as taught by D'Agnolo in the device of Watabe et al. in view of Tanae et al. to find the end of the full package and place it for easy accessibility in downstream processes. Regarding



Claims 11-12, Watabe et al. discloses the deflection cylinders are automatically controlled and D'Agnolo discloses the package drive is automatically controlled.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jaschke et al. is cited for disclosing a similar winding station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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